

DEATH TAX

Mr. THUNE. Mr. President, last week I introduced a bill to permanently repeal the death tax.

I have been pushing to repeal the death tax for a long time because I have seen the consequences the tax can have for family farms and ranches and for family businesses. And I am proud that we protected a lot of family farms and businesses 3 years ago with the Tax Cuts and Jobs Act by doubling the death tax exemption, but the death tax is still a big problem.

First of all, the change we made to the death tax in the Tax Cuts and Jobs Act isn't permanent. The increased exemption level expires at the end of 2025.

Second, Democrats, who are always eager to seize any possible revenue source, have proposed not merely returning the exemption to its previous level but reducing it even further. And that would be a big problem for a lot of family farms and businesses.

The death tax is a fundamentally flawed idea, both in theory and in practice. Every American, of course, has an obligation to pay taxes to help support our government, but there should be a limit to how many times the government can tax you. And death should not be a taxable event.

The money you leave at your death has already been taxed by the government at least once, which makes the death tax double taxation.

People who support the death tax tend to talk as if the death tax only affects the fabulously wealthy, but that isn't the case. Small- and medium-sized businesses, family farms, and ranches spend a lot of time and money on estate planning to avoid being hit by this tax. Farmers and ranchers in my State know, without careful and costly planning, the Federal Government can come around after their death demanding a staggering 40 percent of their taxable estate, and their children won't have the money to pay without risking the farm or the ranch. Why? Well, farming and ranching is often a cash-poor business.

A farmer might, technically, be worth several million dollars, but the vast majority of that is land and farming equipment. Only a small fraction of it is money in the bank.

The Farm Bureau reports that over the past 10 years, the value of farmland has increased by nearly 50 percent. It is completely possible that a farmer's land might have substantially increased in value over the past decade, while his income has barely increased at all or, with commodity prices the past few years, they may have been losing money. In fact, it is perfectly possible that in a bad year, a farm with several million dollars' worth of land might barely break even income-wise.

So what happens when a farmer dies? Well, the Federal Government will claim up to 40 percent of his taxable estate. But his liquid assets—in other words, the cash he has available—will likely not come close to covering the

tax bill from the Federal Government. And so the only thing left for his children to do will be to start selling off farm equipment and land. In some cases, they will be able to keep the farm, just a smaller version of it. In others, they may have to sell off the family farm entirely. The same thing can happen with family-owned businesses.

In the case of a larger family-owned business, the business owner may be worth \$15 or \$20 million, but only a small fraction of that may be money in the bank. The vast majority may be tied up in the business. In that case, when the Federal Government comes around demanding 40 percent of the taxable estate, all the money that that business owner had in the bank won't even come close to covering the tax bill.

To pay the Federal Government, the owner's descendants will have to sell off part or all of the family business. And this can happen again and again.

Think about a business that was started half a century ago and passed down from father to daughter, to grandson. With every death, the Federal Government will have come demanding a big chunk of that estate. By the time you get to the third generation, the business may be struggling to stay afloat if it is still around at all.

I recently read testimony from a business owner who stated that, without death tax reform, the family company will end with him. Why? Because the company will have to be sold to meet the tax bill the Federal Government will hand his descendants. The company has already faced the death tax multiple times in its history and given millions upon millions to the Federal Government. This next death tax bill will be the death blow.

I am proud that Republicans improved the death tax situation for a lot of family farms and businesses by passing estate tax reform in the Tax Cuts and Jobs Act, but doubling the exemption is not enough. There are still family farms and businesses out there that aren't protected from this tax. And in my view, losing even one family farm or ranch or business to the death tax is one too many, not to mention the fact that in less than 5 years, the expanded exemption will expire putting many farms and businesses back in the tax's crosshairs.

Family farms and businesses play a vital role in the economy and in communities. Family farms and ranches are the lifeblood literally of rural communities in South Dakota. They are a source of jobs. They provide support for local businesses. They help build up local schools and local infrastructure. Losing a local farm can hit rural communities very hard.

It is mind-boggling that the Federal Government imposes a tax that punishes all the things we should be encouraging. The death tax punishes hard work. It punishes success. It punishes innovation. "Success" should not be a

dirty word, and families and employees should not be punished because a family has worked hard and built up a successful farm or ranch or business.

On top of all this, the death tax is an inefficient tax that raises a small amount of revenue while placing a very large burden on farmers and ranchers and small business men and women.

Repealing the death tax is an idea that has won bipartisan support in the past, including support from more than one sitting Democratic Senator. I hope it will win bipartisan support in this Congress as well. And I will continue to fight to ensure that no family farm or business has to worry about this punishing tax.

I said it before, and I will say it again: One family farm or business lost is one too many.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIBUSTER

Mr. DURBIN. Mr. President, it is flattering when the Republican Senate leader comes to the floor and mentions your name, and Senator MCCONNELL did just that this morning.

The issue was the filibuster. Senator MCCONNELL found a quote several years ago where I spoke in favor of the filibuster to protect minority rights in the Senate. It is true. I did say that. It was based on life experience. Having already served in the Senate for a number of years, I came to understand how it evolved as one of the procedures in the Senate.

But I have to say to you that my impression of the filibuster changed, and the reason it changed was none other than the Republican Senate majority leader, now minority leader, Senator MCCONNELL. You see, the filibuster really was created in the Senate through its own rules, as I explained yesterday, and it came to define the Senate in this respect. The Founding Fathers looked to the Senate to provide two representatives—literally, Senators—from each State, regardless of population, so smaller States, back in the original Colonies, like Delaware, would have the same number of Senators as a large State, like Virginia. That was their intention.

So the protection of minority rights was kind of built into the definition of the U.S. Senate, and the filibuster became its manifestation in the daily procedure of the Senate. Under that filibuster, of course, one Senator could stop the debate, or at least slow it

down, by insisting on a filibuster, only to be stopped by an extraordinary majority of the Senate voting to return to the regular business.

That was the case in 1957 because, in August of 1957, Senator Strom Thurmond took to the floor of this U.S. Senate and initiated the longest filibuster in its history. For 24 hours and 18 minutes, the man stood by his desk and spoke without stopping. He didn't have any permission to leave the floor for any reason and certainly couldn't sit down without losing his filibuster. He did it. He did it for the wrong reason, I am afraid, because he was trying to stop the march of civil rights in this country, but he did it. Determinedly, he achieved that goal.

When he did, in 1957, that was the broken fifth filibuster in the history of the Senate in the previous five decades. In other words, if you went back to 1919 and all the way to 1957, Strom Thurmond's was the fifth time in history a filibuster was broken. Once every decade, a filibuster was broken on the Senate floor.

Well, that world has changed—dramatically changed. We can now have five filibusters in a couple of weeks. We now have, on average, 80 filibusters a year because of the urging and direction of the Senator from Kentucky, Senator McConnell. He has institutionalized the filibuster to the point where it is now the normal course of business, not an extraordinary procedure.

I recounted the fact that I introduced the DREAM Act 20 years ago—20 years ago. DURBIN, what kind of a Senator are you that in 20 years you can't pass the DREAM Act? Well, I brought it to the Senate floor on five different occasions, and on five different occasions it was stopped by the filibuster. Other Members can tell the story of their legislative experience on the floor too.

The point I am getting to is this: It wasn't until Senator McConnell and the Republicans who follow him decided to make the filibuster just daily business in the Senate that it was abused to the point where the Senate stopped doing regular legislative business.

I would like Senator McConnell to come to the floor the next opportunity he has and explain this to me. In the last calendar year, 2020, the Senate considered 29 amendments on the floor of the Senate in the entire year. Now, that doesn't count a vote-arama, which is an aberration that I don't think would ever be accused of being deliberative. But 29 regular-order amendments during the course of a year—embarrassing, isn't it? When you think of this great so-called debating society, 29 times we brought an amendment to the floor? Well, it was an improvement—an improvement over the previous year, a 30-percent improvement, in fact—because in the year 2019, under Senator McConnell's leadership, we had 22 amendments.

So when Senator McConnell and others come to the floor and plead for

us to hang on to the traditions of the Senate, I would tell you that their interpretation of the traditions is strangling this body. They have beaten the old filibuster to the point where it is hardly recognizable and is now the regular order of business in the U.S. Senate.

That is why many of us, frustrated with having worked so hard to come here, wanting to do the best we can to represent the people who have sent us here, are so frustrated by the current state of procedure. And for Senator McConnell and other Republicans to come to the floor and plead for hanging on to this tradition is actually pleading for the Senate to continue to do less and less each year.

There are those of us now in control on the majority side—the bare majority side—on the Democratic side, who really believe there is much more to be done in the Senate. The American people expect us to respond.

Now, you might ask: Well, how did you pass the American Rescue Plan if there is a filibuster used so frequently? It was under a process called reconciliation, which depends on a majority vote. You can't filibuster under the reconciliation. That is why this amazing bill, this new law, the American Rescue Plan by President Biden, is so sweeping in its reach. We had to try to combine, under this law, so many provisions that had been affected by the pandemic and the state of the economy because we knew that returning to the regular order of business with the filibuster looming every single day would tie our hands just as sure as we have seen in the past several years.

So, Senator McConnell, thank you for mentioning my name, but if I became skeptical of the filibuster, it is because of your use of it. I hope that you understand that you can't have it both ways. It can't be a rare procedure and be a procedure that dominates the actual business of the Senate as this has done for so many years.

CORONAVIRUS

Mr. President, last year I came to the floor on multiple occasions to ask consent for a simple, sensible resolution. It called for the United States to cooperate in global efforts to address the COVID pandemic. At that time, that point was obvious, and it is even more obvious today.

Pandemics don't respect borders. None of us is safe from highly infectious diseases until all of us are safe. That is especially important to keep in mind as we begin to turn a corner here in America.

Last week, during his first address to the Nation, President Biden announced that all adults in America over the age of 18 will be eligible for vaccinations on May 1 of this year. If all goes to plan, we can look forward, as President Biden mentioned, to a Fourth of July with family and close friends at a close distance.

Considering what they inherited, the Biden administration deserves credit

for dramatically scaling up vaccinations in America. The administration helped to strike a historic partnership between rival drugmakers, ramped up manufacture of the vaccine, and improved coordination with State officials everywhere.

We are seeing a world of difference that this makes. When you put competent, qualified leadership in charge in the White House and in State capitols, good things happen. Our weekly vaccine shipments in Illinois have nearly doubled. The Federal Government has erected a mass vaccination site at the United Center in Chicago. It has also supported partnerships with community health centers and retail pharmacies to expand access to vaccines. A cautious hopefulness is washing over America, but we can't lose momentum in our fight against COVID.

To put this pandemic really behind us and to bury it in history, we need to lend a hand to the many poor nations that have yet to receive a single dose of vaccine. The inequities are stark. Ten countries have accounted for 75 percent of the total vaccinations administered worldwide, while approximately 100 countries have yet to administer any vaccine doses. This dangerous shortfall has the potential to undermine the good work that is happening here in America. Closing this gap is not only the right and moral thing to do, it is the safest and smartest thing to do to stop the threat COVID, and its increasingly contagious variants, pose to us all.

Remember back a little over a year ago, an obscure city in China generated a virus—we think they did—that ended up circling the world many times over and changing life on this planet.

Last month, I received a briefing from Dr. Fauci on the new genetic mutations of COVID-19. He shared troubling news about variants that are emerging in the United Kingdom, South Africa, and Brazil. Some of them may have more resistance to our current vaccines than we care to see. He warned that if we fail to stamp out the virus globally, then we will continue to see risks within our own borders. Variants of the virus could counteract the tremendous progress we have made and the progress that we are poised to make in the near future.

As I said at the outset, viruses don't recognize borders. Crushing the virus in other countries is a strategic investment in our own national safety and security. President Biden understands this. He is serious about addressing the virus first in America and then around the world. He has set us on a pace to vaccinate all eligible Americans over the course of the next several months.

Let me urge those who are hesitant or skeptical as to whether it is the right thing to do, do it, please—for yourself, for those you love, and for this Nation.

President Biden wisely halted President Trump's withdrawal from the World Health Organization. He joined